



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

August 22, 1974

The Honorable Homer A. Foerster
Executive Director
State Board of Control
P.O. Box 13047, Capitol Station
Austin, Texas 78711

Open Records Decision No. 46

Re: Availability of list of
persons notified of competitive
bidding on specified class of
goods.

Dear Mr. Foerster:

Pursuant to § 7(a), Article 6252-17a, V. T. C. S., you have asked our determination as to whether "the names and addresses of all persons who have requested to be notified of all competitive bidding to be conducted for items in commodity class 175" must be released. The request is not for the names of firms bidding for a particular contract prior to the opening of bids. The request is for all firms who have expressed the desire to be notified of all contracts to be let by competitive bidding in a broad category of commodities - laboratory chemicals.

You suggest that the information sought from you is protected by the following exception in § 3 of the Open Records Act:

(4) Information which, if released, would give
advantage to competitors or bidders;

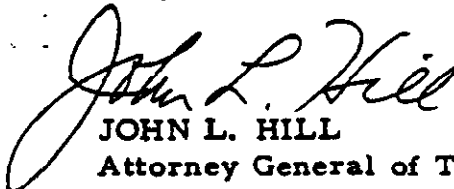
Furthermore, you assert that the disclosure of the requested information would violate the policy established by the Board of Control in Board Minute Number 102, dated May 21, 1959:

To protect the interest of the State in securing the
lowest and best bid, the names of the bidders shall
not be divulged in advance of the opening of the bids.
(Emphasis added)

The list which you have furnished to us (and it appears to be the list that was requested) is not a list of bidders; it is no more than a list of approximately 180 companies that have expressed an interest in being informed of purchases to be made and an advertisement for bids.


While we agree with you that information concerning the identity of those who have submitted bids (before the last day for bidding), would be of advantage to other competitors or bidders, we are unable to find that knowledge of the identity of the numerous potential bidders for the requested commodity class is information which, if released, would give advantage to competitors or actual bidders. We are unable to find any other exception to the broad mandate of § 3 of the Act that public information shall be available. We hold, therefore, that the list of 175-180 companies that have requested to be notified of competitive bidding to be conducted on items in the laboratory chemicals class must be released. Our decision is limited to the facts of this case.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


C. J. CARL, Staff Legislative Assistant


DAVID M. KENDALL, Chairman
Opinion Committee